

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DONALD HUBAND,

Petitioner,

v.

CV 12-805 WJ/WPL

TIMOTHY HATCH, Warden, and
GARY KING, New Mexico Attorney General,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed June 24, 2014. (Doc. 46.) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. On July 7, 2014, the Magistrate Judge granted an extension to file objections through August 11, 2014. (Doc. 48.) To this date, no objections have been filed. On July 29, 2014, Huband moved to withdraw his unexhausted claims. (Doc. 50.)

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) Huband's motion to withdraw his unexhausted claims is hereby GRANTED;
- 3) Huband's unexhausted claims as outlined in the PFRD are hereby dismissed without prejudice; and

4) the Magistrate Judge shall review the exhausted claims brought in Huband's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and provide proposed findings and a recommended disposition.

A handwritten signature in black ink, appearing to read 'William P. Johnson', is written over a horizontal line.

William P. Johnson
United States District Judge